

CHAPTER SEVEN
A SYSTEMIC FUNCTIONAL GRAMMAR
ANALYSIS OF CLAUSE 29 IN THE BILL OF
RIGHTS OF SOUTH AFRICA'S CONSTITUTION
ACT 108 OF 1966 WITH REFERENCE TO THE
POST-APARTHEID MAINTENANCE OF A
SYSTEM OF RACIALISED IDENTITIES:
IMPLICATIONS FOR NATION-BUILDING
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1.Introduction

Currently, the dominant nostrums and prescriptions that inform “sound” statecraft are the constructs of “good governance” and the “big” or “new” society agendas. However, these approaches often deny and refuse to admit the realities of developing conditions and/or fail to adequately negotiate them. These realities manifest in the (un) making of institutions and social order; the effects of the inordinate weight of culture, clienteles and patronage in social structures, politics and institutions; and the carrying forward of (unruly) rupture(s) into the post-colonial social order. (Khan 2014:2)

Until recently, the views of two groups of researchers were used in South Africa to assess the failures and successes of post-apartheid public policy since 1994. The first group argues that in order to understand why public policy fails, sometimes one has to look at the management of public policy (Cloete, Wissink and de Coning 2006). To resolve the failure in the management of public policy, this group proposes a round-table discussion of equal stakeholders. The second group contends that public policy is by nature ‘messy’. This ‘messiness’ stems from the fact that public policy formulation involves a conflict of different interest groups. This could be one reason why public policy fails, because it remains a work in constant progress, negotiation and renegotiation, which is by nature muddled. To address the messiness of public policies democratically, this paper argues that the above-mentioned approaches should be combined with a grammar based model of discourse (Halliday and Hasan 1989; Halliday 2004).

Discourse in this paper refers to the multi-dimensional phenomenon that encompasses and amalgamates diverse forms of communication, viz. spoken and written text (Halliday and Hasan 1989; Halliday 2004), modes of knowledge and power (Foucault 1954-1984, 1971, 2002), discursive and social practices (Fairclough 1992), and ways of thinking, acting, believing, behaving and speaking (Gee 1996). To our knowledge, these different perspectives of discourse all seek to explain the role of language in the making of societies. At this juncture, we want to point out that there are

diverse models of discourse and discourse analysis(see Cook 1989;Swales 1990;Fairclough 1992).Nevertheless, to our knowledge, critical discourse based approaches have the following in common:

The term 'discourse' is used in day-to-day language interchangeably with discussion or dialogue. The story of a discussion or dialogue is the object of discourse analysis. Such analysis aims to expose patterns and hidden rules of how language is used and narratives are created. Thus, discourse analysis is a research method, which involves examining communication in order to gain new insights.(Hewit 2009:1)

In view of the above, we maintain that discourse-based approaches will not only be useful to analyse public policy as written text, but will also enable one to venture beyond the text to an analysis of the types of social and discursive practices it generates, implicates and seeks to invoke subliminally with the intention to maintain the status quo(Foucault 1954-1984,1989,2002;Halliday and McIntosh 1964;Halliday 1973, 2004; Halliday and Hasan 1976, 1985,1989;Fairclough 1992). Since a systemic functional model of discourse provides the tools necessary to analyse meaning within, between and beyond texts, it proposes the types of action necessary to address and redress subliminal discriminatory practices by not only disrupting the text but also by analysing it constructively. Such an approach is, in our view, necessary to intervene in the cases of reproducing apartheid relations of knowledge, power and meaning. As such, we found Halliday's model of discourse analysis useful to analyse the public policy narratives historically: what happened through a linguistic analysis of the field of discourse,who was involved (the actors)in public policy formulation, the tenor ofdiscourse and finally, the part that language played and continues to play through a linguistic analysis of the mode ofdiscourse.

Hasan (1990),Martin(1990),Fairclough(1992) and Gee (1999)not only adopted Halliday's systemic functional grammar model of discourse analysis as the basis for their own entry into discussions about discourse, but also expanded upon it (see Swales 1990 for the origin of discourse studies). So, when we talk about discourse or discourse analysis, we mean it in the Hallidayean sense of a systemic functional grammar of discourse.

2. Methodology

We use the preambles of selected public policy documents as data (Appendix 3). We draw on Ruby's(1972:65)definition of argument:“By 'argument' here we shall mean the basic unit of reasoning. An argument is a unit of proof (or attempted proof) that something is or is not a fact.”

For Martin(1990),a typical argument structure has an introduction, body and conclusion. Winter(1976) proposes a more evaluative model: “Situation: review of the literature; Problem: the question(s) to be addressed;Solution: answers/proposals flowing from the analyses and findings of the research questions; Evaluation: a conclusion that comments on what has been achieved and what remains to be done.”Like Winter (1976) and Hasan (1990),we propose an evaluative model to explain the sections of an argument structure, viz. a precipitating event, consequence and revelation. According to Hasan(1990:70),the contextual configuration (unity of texts) is decided by two sources, viz. structure and texture. While structure is determined by the situation, the texture (textual configuration) is confirmed by the presence of certain semantic and lexico-grammatical relations. If certain elements are missing or present in the configuration of a text, one would know whether the text makes grammatical sense. Thus, Hasan's model is useful to show how concepts are conceptually related as they contribute to the overall cohesion and coherence of an argument structure

A typical written argument structure in the humanities is a logical syllogism - a model invented by Aristotle,the Greek philosopher(see Badenhorst 2008:114). An example of a ‘true’syllogistically structured argument is:

1st Premise $A = B$
 2nd Premise $B = C$
 Therefore $A = C$

Whereas, an example of a false syllogistically structured argument is:

Introduction	1st Premise	A cow has four legs
	2nd Premise	A table has four legs
	Conclusion	Therefore, a cow is a table

The first example of a typical syllogistic structure is not value-based, while the second one is value-based. The table is inanimate but the cow is animate. Therefore, to compare the legs of a table with those of a cow creates a false premise in the argument structure.

3. Analysis

The following is an example of how a systemic functional model of discourse can be applied to make sense of the preamble argument structure of public policy(Martin 1990).In our initial analysis of the preambles of public policies, we found that the logical structures of the preambles of selected public documents((1) Clause 29 in the Bill of Rights of South

Africa's Constitution Act 108 of 1996;(2) the Employment Equity Act, No. 55 of 1998;and(3) The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 and Broad-Based Black Economic Empowerment Act 53) are basically the same (see Appendix 3). In general, the preambles of the aforementioned public policies follow the argument structure:

1st Premise: During apartheid, the vast majority of people were denied their basic human rights- equal access to the factors of production and hence could not realise their full human potential.

2nd Premise As a result, South Africa became a grossly unequal society in which whites solely made decisions and hence dominated in every sphere of society.

Conclusion: It follows, therefore, that in a post-apartheid South Africa there is the undisputable need for a social, educational, economic and political transformation in order to address the apartheid legacy of unequal power relations.

Given South Africa's apartheid history, it would be difficult to dispute the relevance and validity of the initial public policy argument, irrespective of whether the logical structure makes sense. The ethical problem with South Africa's redress strategy lies in the nature of texture (the logical connectives which argue for sameness, but at the same time give credence to differences based on the notion of different races). The challenge for South Africa is to undo the discriminatory and unequal power relations of apartheid while avoiding the formulation of new power relations that are unequal in decision-making because they are majority-based and automatically assumed to be logical. Herein lies its potential for discriminatory practices.

We now turn to the various models that assessed and provided reasons for the failures and successes of public policy since 1994. We introduced a systemic functional discourse model to argue the point that one should also focus on the grammar of the discourse in public policy to unravel its hidden meanings, particularly its potential for subtle forms of discrimination. In our analysis, we try to make sense of certain concepts from linguistic, legal and mathematical perspectives. Thereafter, we discuss the implications for nation-building. As mentioned, we found Halliday's notion of field, tenor and mode of discourse useful to structure the paper at a macro level for an analysis of the grammar of discourse.

3.1 Assessment of public policy: The management perspective

While debates around 'race', transformation, fairness and unfairness are still ongoing, some studies focus on the legal and management aspects of race based affirmative action (for example, Bosch 2007; Loyson 2009; Burger and Jafta 2010; Nel 2011; Pauw, Woods, Fourie and Visser 2002; Cloete et al. 2006; Fourie and Opperman 2011; Black, Calitz and Steenekamp 2012). Legal models argue about the constitutionality of race-based affirmative action (for example, Bosch 2007; Loyson 2009; Burger and Jafta 2010; Nel 2011). The public management models of Cloete et al. (2006), Fourie and Opperman (2011), and Black et al. (2012) are essentially a-historical and a-political. Despite the inherently racist nature of South African capitalism, it appears that they accept the economic mode of capitalism unquestionably. They, therefore, contend that to solve the facile management of public policies, the different stakeholders just have to convene a round-table discussion of equals. In doing so, the model disregards the fact that in a capitalist society, public policy is underpinned by antagonistic classes who struggle for control of the means of production (Marx 1844). In South Africa, this struggle has been largely between a white minority entrepreneurial and management class, on the one hand, and a large disenfranchised majority of so-called non-whites, on the other.

To seek plausible solutions to these de facto conflicts, de Coning and Cloete (2006:36-54) assess the approaches of various models: the elite mass model; the group model; the institutional model; the social interaction model; the systems model; the policy network and community model; the chaos, complexity and quantum model of policy analysis; the functional policy stages/phases model; and the Symbolic models management model.

The management models focus specifically on different management phases: initiation, design, analysis, formulation, dialogue, advocacy, implementation and evaluation (Cloete et al. 2006). The 'phase analysis' of these models ignores the fact that public policy is also a form of language in use, a social and discursive practice. To address this, one should conceptually link the linguistic nature of public policy to its wider social, economic and political contexts with a view to understanding how it informs what we call 'citizenry social practices'. The management model of public policies notes:

It is important that all scholars of governmental sciences (Political Studies, Public Administration or Management) understand that good governance is the essence of the public sector, and that good public policy management is inextricably linked to good governance. A good government aims to provide, safe, democratic and orderly environment that is conducive to

sustainable growth and the development of its citizens.(Cloete et al. 2006: v)

It is evident that the above approach ignores the racialised class nature of South African society. The antagonistic nature of class struggle stems not only from unequal class relations of power, that is, who controls the means of production, but, equally important, also from whose discourse language in use prevails as the dominant cultural currency or hegemony. Cultural hegemony is evident in the two dominant modes of formal educational instruction in South Africa. On an academic level, English and Afrikaans are the two dominant modes of instruction in South Africa. For many 'Black' people who are Bantu/African speakers, English is not only a second language but also often a third or fourth language(Alexander 2011). Thus, they face many social obstacles as they compete within the free market system equipped with their education to gain equal access to the discourses of control. Various studies show that this task has thus far been proven insurmountable for the vast majority of mainly previously disfranchised people (Alexander 2011).

Ever since the official inception of apartheid, the majority of people were positioned by various geographical apartheid strategies to compete predominantly from a working-class base. The apartheid government, through various discriminatory stratification strategies, confined the vast majority to townships, which are characterised by poor infrastructure compared to extremely affluent white communities. This is the nature of the apartheid-created status quo, which the government led by the African National Congress (ANC) inherited post-apartheid. Given the education status quo of continued inequality between the previously disenfranchised and the white-dominated economy, one clearly cannot assume that a round table discussion of how to address apartheid-created inequalities is going to be one of equals.

3.2 Assessment of public policy: The conflict approach

In contrast to the previous approach to public policy issues, the conflict model argues that public policy is inherently 'messy' because it is forever a work in progress (see de Satge 2009). Apart from this, public policy also involves conflict because different stakeholders have different interests in it. For the owners of the means of production, public policy should regulate, maintain and stabilise the markets so that they can be conducive for investment and optimal profit-generation capabilities. On the flipside of this scenario are the workers who expect that public policies ensure equal employment opportunities, social security and service delivery (health, education, social welfare and so on).

Unlike the management model, public policy is historical and political for the conflict model. In other words, it views public policy as a product of specific historical processes that involve conflict. However, like the management model, it fails to encapsulate the discursive nature of public policy. In doing so, it overlooks the fact that public policy discourse becomes a template for how citizens are socialised to accept unequal relations of power due to apartheid as the norm- and thereby leads to a doctrine that is not questioned. In the next section, we discuss how a systemic functional grammar approach can be useful in the sense that it can problematise the arbitrary definitions of what it means to be human that are taken for granted.

3.3 A systemic functional grammar approach to public policy assessment: The field and tenor of South African public policy discourse-What happened and who was involved?

In 1994, after a decade of white minority rule, all South Africans could vote for the first time. This vote signalled a change from white minority rule to a democratic black majority rule. Long before this democratic change, a number of people imagined a South African society fundamentally different from apartheid-a separate but equal one (for example, Hellman 1956; Van Der Horst 1960; Adam 1971; Leatt, Kneifel and Nurnberger 1986; Relly 1987; Shabalala 1990; Innes, Kentridge and Perold 1993).

However, since the ANC became the new government in post-apartheid South Africa, the focus and analysis of this paper are on the policies of the ANC-led government. The 'new' South Africa was a result of a negotiated settlement reached between the previously white minority government and representatives of the ANC, while international capital ostensibly played a mediating role (Turok 2008). A key aspect of the outcome of these negotiations was the sunset clause agreement reached by the Nationalist Party and the ANC. (Turok 2008). The sunset clause specified that the ANC-led government would not immediately change the status quo. Instead, they would introduce a Reconstruction and Development Programme (RDP) to effect transformation:

The RDP is an integrated, coherent socio-economic policy framework. It seeks to mobilise all our people and our country's resources toward the final eradication of Apartheid and building a democratic, non-racial and non sexist government. (African National Congress 1994:1)

In terms of the sunset clause agreement, it stated that in cases where a white person resigns or accepts a government-offered retirement package, the person concerned will be accorded all the privileges as per an employee

and employer contractual agreement. This meant that apartheid ministers received full pensions as well as a legal pardon for their participation in the apartheid system. In the view of the fact that white people could maintain their privileges accorded by the apartheid system, race-based affirmative action and Black Economic Empowerment (BEE) policies became the main strategies aimed at transformation or historical redress.

As indicated, the first strategy aimed at historical redress was the RDP. According to Turok(2008), the key strategy of the RDP was to work with non-governmental organisations (NGOs) who shared the ANC's vision of the urgent need to address 'structural distortions' in South Africa's economy in which white people still dominated(Turok 2008:100). In view of this, the ANC proposed a 'people-centred sustainable development programme'. Of this 'self-empowerment' strategy, according to Turok(2008:101), 'even the World Bank endorsed:

1. a community-based control of natural resources;
2. creating units of economic management in the market place;
3. people's participation in their own development and governance;
4. priority aid for women and their empowerment; and
5. community ability to produce or otherwise gain access to necessary goods and services.

Turok(2008) notes that since the RDP was in line with the vision of redress as articulated in the Freedom Charter, many international investors withheld investments. He observes further that the ANC then had to make adjustments to their redress strategy to appease both local and international investors, which led to the introduction of the Growth, Employment and Redistribution(GEAR) plan. The key strategy of GEAR is to manage macro-economic growth and development with a view to creating employment, which in turn may lead to redistribution of resources and access to opportunities. However, twenty years into democracy, studies show that GEAR had little impact on transforming the South African economy(Turok 2008). Some of the reasons for this have to do with the continued white-dominated structured economy, while others relate to the ANC's failure to make service delivery in health, housing, education, sport and recreation an 'equitable' reality for the majority previously disenfranchised and mainly working-class people(Turok 2008:106-107).

For example, in the education sector, a key indicator of transformation - assessments of key public sectors - shows that transformation continues to happen very slowly and the vast majority remain seriously impoverished, physically and psychologically trapped by apartheid-created structures. According to a report by the Council for Higher Education (2013), less than 5% of 'Black African' and 'Coloured' youth succeed at university. The

2013 Global Information Technology report shows that a serious lack of access to technology by the majority of South Africans impedes the country's competitiveness. In addition, South Africa ranks second last in the world in mathematics and science. Moreover, the 2011-2013 Progress in International Reading Literature Study (PIRLS) report indicates that most South African grade 5 learners struggled to acquire basic literacy skills (Howie, van Staden, Tshele, Dowse and Zimmerman 2011). Research by Scott et al. (2007) analysed a total of 2005 higher education enrolments and reported a five-fold difference between the gross participation rates of white (60%) and black (12%) 0-24 age-groups. Based on the 2000 intake into higher education, the study showed that only 38 of all first-time students graduated within five years.

A number of structural changes have been put in place at the level of government in order to widen access through financial support for students from disadvantaged backgrounds and the funding of academic development programmes. At the level of pedagogy, many academics have identified the role of English and literacy pedagogy as central to improving access and success.

More recently, Saul and Bond observe and summarise as follows (2014: 3):

For the problem lies in determining just how 'new' the new South Africa really is. Against the undeniable drama of the transition from the formal structures of white minority rule that has occurred must be set the fact that South Africa today is a much more unequal society than during apartheid, one deeply stratified in class and gender terms, and also in racial terms ('class' still remaining so substantially 'raced' in the country). Moreover, it is facing the prospect of genuine economic and ecological calamities.

It is against this background of failure to level the apartheid-spawned playing fields that we now turn to a grammar of discourse analysis of public policy.

3.4 Assessment of the preamble of Clause 29 in the Bill of Rights of South Africa's Constitution Act 108 of 1996: Implications for social and discursive practices in the maintenance and reproduction of the status quo

We show below how a systemic functional model of discourse can be applied to evaluate the discriminatory implications of the preambles of public policy documents for nation-building. For Halliday (1985), public policy as a written text is a form of discourse or language in use. Thus, to

understand public policy processes, one has to understand not only how the policy is produced consumed and distributed, but also even more importantly who produces, distributes and consumes it, and for whom and for what purposes (Fairclough 1992). Public policy as discourse is also intertextual in nature in that it is connected to other similar discourses that may transcend space (places) and time (historical boundaries). As such, public policy is never neutral because it is inherently a contested terrain or a site of social, economic, political and legal struggles.

We now draw on Hasan's (1989) discussion of argument structure to explain how an argument may unfold in the preambles of a given public policy document. According to Hasan (1989), an argument structure starts with a precipitating event, followed by a consequence and finally a conclusion. To understand how this may occur, one has to analyse the structure of the preambles of public policy documents as a form of argument consisting of a precipitating event, a consequence and a conclusion. At the same time, one has to refer to ideas that conceptually link the three parts. The preambles of selected public policy documents include specifically those that contain or implicate aspects of the 'united we are in our diversity' clause: (1) South Africa's Constitution, (2) the Employment Equity Act, No. 55 of 1998, (3) The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 and Broad-Based Black Economic Empowerment Act 53 of 2003, as well as other relevant literature (see Appendix 3).

3.5 Linguistic indicators of the maintenance of the apartheid status quo: Clause 29 in the Bill of Rights of South Africa's Constitution Act 108 of 1996 (see Appendix 3)

We, the people of South Africa,
Recognise the injustices of the past;
Honour those who suffered for justice and freedom in our land
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity
(South African Constitution, Act 108 of 1996: Preamble)

In the preamble to South Africa's Constitution, the caption/summary of the past injustices is the precipitating event, which sets the tone for the consequence followed by the revelation:

'We the people of South Africa recognize the injustices of the past' triggered a consequence/action for social and economic redress as set out below under the heading point (2) consequence .

'We' is a collective pronoun; it signifies unity. This is followed by a second 'We' in "We therefore: Honour those who suffered for justice and freedom in our land, Respect those who have worked to build and develop our country". The pronoun 'those' in the sentence "Honour those who suffered for justice and freedom in our land, Respect those who have worked to build and develop our country", in our opinion, may refer to all people who suffered in South Africa - the previously disenfranchised as well as white people who, because of conscience, chose to protest against apartheid.

If this is not the case, then it therefore poses, in our opinion, a moral dilemma for all South Africans that the children of whites who suffered because of their parents' participation in the anti-apartheid struggles are not included in the 'designated' groups. Here, we are thinking specifically of Neil Aggett and Brahm Fisher as well as many others who paid with their lives. Since the pronoun 'those' refers to the designated groups 'Coloureds', 'Indians' and 'Blacks' and is grammatically linked to 'our country', it shows political prejudice towards white people who suffered and in doing so ignores their contribution to the anti-apartheid struggle. While we agree that whites in general were privileged, one should - on a matter of political principle - acknowledge that there were many people who conscientiously objected to the apartheid system from so-called different races and various class backgrounds. Therefore, like Alexander (2006), we suggest that a class-based redress strategy is required rather than one based on race. In doing this, one would also seek to address the structural inequalities that racial capitalism generates.

3.5.1 Consequence: Preamble excerpts from South Africa's Bill of Rights (see Appendix 3)

The revelation follows the precipitating event: "Believe that South Africa belongs to all who live in it, united in our diversity". The verb 'believe' is a commitment that "South Africa belongs to all who live in it". At this point, this discourse strategy aimed at nation-building is inclusive of all citizens. However, with the introduction of the clause structure "united in our diversity", the diversity concept, in our opinion, challenges the notion of unity because it is not clearly defined, particularly by objective criteria that specify the government's notion of 'unity in diversity'. Unity in diversity sounds like a contradiction in terms (see part 4. Discussion).

3.5.2 Revelation: Preamble excerpts from South Africa's Bill of Rights (see Appendix 3)

The different sections of the preamble speak to each other as a coherent whole. The preamble is based on a single idea about South Africa's

apartheid injustices and what needs to be done in a post-apartheid South Africa to correct the apartheid wrongs. The authors (parliament) speak for and on behalf of all South Africans in the country as “We the people of South Africa” as though the “We” is a given in terms of a common collective agreement.

3.5.3 Arguments towards an alternative public policy discourse

‘In the broadest sense all writing is about yourself. Even your laundry list. Wise readers have always known that words reveal the person: Napoleon studied an officer’s writing before promoting him to high rank. Every kind of prose—exposition, argument, description—tells us something about the writer: in choice of subject matter, breadth and depth of knowledge, the skill with which the material is shaped and explored.’ (Kane and Peters 1986:3)

Since the preamble of a public policy is sanctioned by parliament, it is also about how members of the ANC-led government view their identities as South Africans. In other words, it is about their individuality. As authors of the act and as individuals, they view themselves collectively as people belonging to different racial groups because their identities/individualities are separately and at the same time collectively embedded in the act. By individuality, we mean that writers draw on their personal, cultural and linguistic experiences to use discourse markers in specific ways in order to assert their identities in text (Martin and Rose 2003). In their choice of words, such examples signify and give expression to the clause construct of unity in diversity.

South Africa does not have an affirmative policy act. Race-based affirmative action, as indicated earlier, is extrapolated from the Constitution (“diversity”) as well as from the Employment Equity Act, No. 55 of 1998 (“diverse workforce”), the Promotion of Unfair Discrimination Act, No. 2000 (“the great majority of our people ... and historically disadvantaged individuals, communities and social groups”) and the Broad-Based Black Economic Empowerment Act 53 of 2003 (“by the majority of its people” and “vast majority of its people”) (see Appendices 1, 2 and 3). The question of whether race-based affirmative action is discriminatory remains a contentious topic, which is still debated across South Africa (see Loyson 2009 for case law studies). The preamble of Clause 29 in the Bill of Rights of South Africa’s Constitution Act 108 of 1996 sets the tone for the argument structure for discussions around historical redress which other public policy documents endorse.

For Ivanic, identity, like writing, is a socio-political practice and, therefore, open to “contestation and change” (1997: 225). In this sense, the

representation of identity connects to issues beyond the text. As alluded to earlier, another often overlooked strategy in learning about asserting one's identity in texts in South Africa's context of situation and culture (for example, our past and present social experiences of apartheid) is that this process could involve a potential clash in values, in what it means to be human for South African citizens (see Street 2003).

4. Discussion

South Africa's "united in our diversity" clause is based on an assumption that "We" (South Africans) can find unity despite our cultural, religious, gender, disability and racial differences (diversity). South Africa's biological racial unity concept conforms to a single plot (unity of action), a single location (unity of place) and a single day (unity of time), as explicated by the Collins English Dictionary and Thesaurus (1998: 1270-71). However, its problem lies in what we call 'unity of purpose'. By this, we mean that whether the ANC-led government believes that the creed of "united in our diversity" can purposely unite South Africans on the basis of notions of different races, because to our knowledge many people do not accept the label of "Coloured" (see Alexander 2006).

The key purpose of South Africa's post-apartheid redress strategies is transformation from an apartheid state to a democratic one based on the values enshrined in South Africa's Constitution. While we agree that in principle one may find unity of purpose, South Africa's current transformational agenda does not transcend racial categories, but maintains them in its unity of action (Appendices 1 and 2). Herein lies the discrimination because the post-apartheid government not only denies current theories that there are not biologically distinct human races, but it also arbitrarily defines through a legal system what it means to be human (Frederickson 1982). Fraser (1997:68) explains that in such scenarios, "Cultural domination supplants exploitation as the fundamental injustice. And cultural reproduction displaces socioeconomic redistribution as the remedy for injustice and goal of political struggle." In doing so, the post apartheid government complements colonial and apartheid conceptions of absolute and immutable categories to encapsulate differentiated humanness for the different 'racial groups'. Moreover, in our view, the idea of unity in purpose should have been founded on an agreed upon set of principles by all South African citizens. The ANC-led government did not hold a discussion, debate or referendum around the following:

1. The maintenance of the racial classification system as a redress strategy in post-apartheid South Africa;
2. The use of race-based affirmative action as a redress strategy aimed at transformation and reconciliation.

The definition of a South African in terms of stereotypical racial categories and in doing this usurped the prerogative to finalise a template in which they in their discourse (see Halliday 1985):

1. Present South African realities
2. Enact identities
3. Regulate human relations and social interactions as typical 'Coloureds', 'Blacks', 'Whites' and 'Indian' behaviour in text and contexts in public domains.

Apart from the above, the argument by post-apartheid policy legislators that unity can be found in biological racial diversity and thereby avoid any form of discriminatory practices does not make sense from the standpoint of (1) mathematics, (2) presumptions as in the interpretation of statutes, and (3) linguistics as in discourse as a form of social and discursive practice (the production, distribution and consumption of messages). We discuss each of these in turn to show how the argument does not make any logical sense.

4.1 Discussion of unity in racial diversity: A mathematical perspective

The conception of unity as “We”, “all” and “united” in South Africa's Constitution is consistent with the Collins English Dictionary (1998) definition of unity as “oneness, whole, uniformity, numeral one, unity of action and place”. Collins English Dictionary (1998) also defines unity as “the act or quality of forming a whole from separate parts”. These separate parts, to our knowledge, refer to percentages or fractional parts that make up the whole, because:

Mathematics knows no races or geographic boundaries; for mathematics, the cultural world is one country. (Hilbert 1862-1943, cited in Willers 2011:9-10)

The intended meaning of the diversity concept may be to unite, but when translated into practice, its actual meaning divides at the level of texture in the respective policies as well as subsequent employment practices (see Appendices 1 and 2).

Thus, from a mathematical standpoint, for each real number A (post-apartheid), there is a unique real number denoted $-A$ (apartheid) such that $A + (-A) = 0$. Therefore, to undo apartheid one must inverse it completely and not partially. By maintaining the racial classification system this is not possible. As one can see from a mathematical standpoint, one cannot undo the apartheid 'negative' by adding one 'positive', while keeping one of its key components, viz. the racial classification system (see Appendices 1 and 2).

4.2 Discussion of unity in racial diversity: Legal perspective

Legal presumptions refer to what has gone before or to past case law studies (Anderson, Dodd and Roland 2012). It follows that historical presumptions refer to what has gone before in history. We have learnt from history (what has gone before) about situations when people deemed themselves as distinctly different races and they conjured up imagined enemies as they constructed “imagined communities” (Anderson 1982; Patterjee 1993).

This happens because people may view their cultures, religions, rituals, norms and so on as distinctly different, immutable and eternally fixed. It is in these situations that the beauty of the human imagination becomes, in our opinion, destructive rather than creative. Cultures, particularly religious beliefs and rituals, are polarised rather than generating a discourse of possibilities for new forms of innovation and beauty in our varieties of arts and sciences. A particular cultural-specific world-view may claim universality status and may regard other forms as inferior (Frederickson 1982; Jamieson 2002). The treatment of 'Blacks' in North America and South Africa by so-called 'Whites' is, in our opinion, a historical exemplification of the creation of imagined communities to justify unequal dominant power relations under the guise of appeasing so-called “different races” (Haley 1982; Brown 1991).

4.3 Race-based policies: Implications for nation-building

As indicated, South Africa's transformation agenda happens against a legacy of colonialism, apartheid and neo-colonialism within a capitalist driven economy (Reader's Digest 1988). Capitalism, Marx (1844) argued, is inherently contradictory because it generates structural inequalities between different classes. South Africa was hitherto a racial capitalist system in the sense that a white minority constituted the entrepreneurial and managerial classes, while the vast majority of previously disenfranchised people were relegated by the ideological and repressive state apparatus to positions of predominantly working class. This was the legacy of centuries of dispossession inherited by the vast majority.

It was also the legacy of structural inequalities between the minority whites, on the one hand, and the previously disenfranchised majority, on the other, which the post-apartheid government was expected to transform. However, given the inherent capitalist contradictions of generating structural inequality, the post-apartheid government has, in the view of many South Africans, failed to address the ‘generative inequality’ contradiction in their own policies (our emphasis). Instead, with its transformation policies of Black Economic Empowerment and race-based affirmative action, it has polarised South African society more by ‘ratifying’

the apartheid contradictions (our emphasis).

In a survey conducted by Du Toit(2004),he summarises the consequences of post-apartheid race-based policies:

- South Africans disagree with one another about what the Constitution stands for; and therefore
- About the nature of the negotiation process that produced this Constitution;
- South Africans therefore do not have any national consensus on political transformation;
- There is enough common ground among South Africans to draw up a political code of good conduct for the application of affirmative action rules.

Du Toit(2004) infers and concludes:

- Such a code is much needed if a large part of the South African labour force is not to have their human dignity impaired;
- A new definition of empowerment is needed and public support for one does exist.

It appears from the survey that the opinions of local people do not matter in addressing the contradictions in post-apartheid race-based policies. This is evident in South Africa's downward economic spiral, as confirmed by Moody's (2018) credit rating. The main criticism levelled against race-based policies is that a minority of "African Black" elite mostly benefitted, while the majority of working class still live in squalor(de Havilland 2007). Mvuyo(2018:6) encapsulates perhaps best in the Human Sciences Annual Report the current status of South Africa's race-based policies agenda:

Impatience with the current conditions has led to very important calls for, amongst others, radical economic transformation, decolonisation of education, and others. Not enough is being done to understand the policies, programmes and plans which must be put in place to transform our society in a meaningful, and more importantly, sustainable way. Without this deeper understanding, changes could be superficial and serve only to entrench the interests of a few and patterns of inequality, which have persisted for hundreds of years.

With regard to the above, we have argued the manner in which the post-apartheid government uses discourse in their policy formulations to play a key role in either enhancing or retarding transformation. Therefore, in the words of Du Toit (2004:5), "there is no national consensus on the basic presuppositions of the Constitution order-to establish such a consensus the social contract will have to be re-negotiated". It follows that when this social contract is re-negotiated, the post-apartheid government should be more critical in their use of language in public policies.

5. Conclusion

This paper has shown that South Africa's post-apartheid maintenance of a system of racialised identities - as implicated in its 'diversity' concepts in the preambles of the selected public policy documents - bear the imprints of colonial and apartheid discourses in the social discourse and legal construction of the 'other(s)' in cultural traditions and ideological rhetoric. As such, the ANC-led government wove different textual tapestries of linguistic and cultural meaning into public policies, drawing on the resources of their home language norms and values as shaped by apartheid and colonial discourses of 'other(s)'.

Therefore, to assess the successes and failures of public policy with a view to improving transformation, one should interrogate the discourses that the different stakeholders bring to the public policy mediation table. As mentioned, many people were excluded from a discussion of the maintenance of the racial classification system and the implications for nation-building. As such, a key argument of this paper is that the current discourse of public policy might be far removed from the situation it seeks to transform. Thus, to effect meaningful social transformation, it might be necessary, as an initial step, to transform key aspects of the preambles of public policy discourse, especially those that augment the notion of 'unity in diversity'. The notions of unity in diversity and striving for a non-racial society are, in our view, contradicted by the maintenance of a racial classification system (Appendices 1 and 2). The paper shows how the discourse of public policy maintains, rather than transforms, the base and superstructure insofar as it maintains a system of racial classification and it has failed to address the question of land redistribution.